IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3031 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MAHASUKHRAI PRANJIVANDAS - Petitioner(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR AJ SHASTRI for Petitioner(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 13/01/2006

ORAL JUDGMENT

1.By way of this petition under Article 226 of the Constitution of India, the petitioner has challenged the legality and validity of the order passed by the Chief Controlling Revenue Authority dated 3.2.99 in partly allowing the appeal preferred by the petitioner

challenging the order passed by the Deputy Collector, Stamp Duty Valuation, Junagadh dated 11.9.96 passed with regard to the document registration No.2231 dated 22.11.88 presented before the Sub-Registrar, Veraval.

2. It is the contention on behalf of the petitioner that the impugned order passed by the Chief Controlling Revenue Authority dated 3.2.99 is an ex-parte order inasmuch as the petitioner had submitted an application for adjournment as he was busy in one marriage and still the impugned order came to be passed and to that effect the order passed by the authority is ex-parte. It is, further, submitted that if an opportunity would have been given to the petitioner then instead of partly allowing, the entire appeal would have been allowed. Without expressing any opinion on the merits and considering the above, the impugned order passed by the Chief Controlling Revenue Authority dated 3.2.99 passed in Revision Application 84/97 in which the petitioner has challenged the order passed by the Deputy Collector, Stamp Duty Valuation, Junagadh dated 11.9.96 passed with regard to the document registration No.2231 dated 22.11.98 presented before the Sub-Registrar, Veraval is hereby quashed and set aside and

the matter is remanded to the Chief Controlling Revenue Authority, State of Gujarat to decide and dispose of the revision application afresh in accordance with law and on merits and after giving an opportunity to the petitioner. It is, however, made clear that this Court has not expressed any opinion on the merits of the case and it is, ultimately, for the revisional authority to decide and dispose of the same in accordance with law and on merits and the petitioner is directed to appear before the revisional authority i.e. Chief Controlling Revenue Authority, State of Gujarat, on **1st February, 2006** at the first instance and thereafter, next date of hearing can be decided by the Chief Controlling Revenue Authority in the presence of the petitioner.

3. Rule is made absolute to the aforesaid extent, however, there will be no order as to costs.

(M.R.SHAH, J.)

kdc.